

The formal record of the hearing is the audio tapes.  
The Agents notes area attached to, and part of, the minutes folders in the Com. Dev.  
office.

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, MAY 21, 2008 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
Ann Jo Jackson, Vice  
Chair  
John Feener  
William Febiger  
Brandon Frontiero

**MEMBERS ABSENT**

Arthur Socolow

**STAFF PRESENT**

Nancy Ryder, Conservation  
Agent  
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission.

**6 ROCKEY NECK AVENUE** (Map 131, Lot 22)

This is a Notice of Intent submitted by Patricia Conant to raze and re-build a dwelling in coastal resource area.

The Agent reviews with the GCC stating that there are DEP comments but no number as of yet.

Mr. Gulla would like to move along with this.

Mr. Feener inquired as to whether or not the new plan has the revisions that were discussed.

The Agent states that the silt sock was pulled up but it needs to wrap around the sides.

This can be conditioned in and the plan can be modified.

Mr. Gulla states he will entertain a motion to approve with conditions, pending DEP having no concerns or conditions.

MOTION: Ms. Jackson moves to approve with above conditions and terms.

SECOND: Mr. Feener      VOTE: 5-0 all in favor

**9-11 WITHAM STREET, CAPE ANN PETROLEUM** (Map 160, Lot 19)

This is a Notice of Intent submitted by Frank Favaloro to construct a concrete fueling pad and a fuel containment berm at the existing fuel facility.

The Agent reviews with the GCC stating she checked the delineation at the site and noticed that no flags were present in the field. The delineation is not approved.

It is close enough for safety concerns and within the existing footprint; no expansion should be allowed without resource area confirmation.

Mr. Feener notes that the GCC had previously asked for soil samples to be taken each year.

The Agent notes that the construction narrative is not quite up to par but is enough.

Noted: The delineation is not confirmed but close enough, soil testing to be confirmed,

and the construction sequence to be reviewed.

The Agent notes that the plan re: soil samples were submitted today. The plan is in and all the information is included and is combined into 1 page instead of 2.

Mr. Gulla states he will entertain a motion.

MOTION: Ms. Jackson

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

### **31 WOODWARD**

Tree cutting restoration/mitigation plan review.

The Agent reviews with the GCC and notes a 72 ft. pine tree was removed. The restoration and landscape plan is an after the fact restoration.

The GCC reviews the plan.

Mr. Feener states that he doesn't like the Beach Plum. All the specimens they chose will not grow into the wires. National Grid cut down the tree after having asked the landowner to do it. A condition should be included to not allowing Beach Plum and other selections are needed, such as serviceberry. He further noted that woodchips, 4 to 6 inches thick should be utilized.

Mr. Gulla states he will entertain a motion to approve with above aforesaid conditions.

MOTION: Ms. Jackson moves to approve with conditions noted.

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

PUBLIC COMMENT PERIOD: none/closed.

The Agent discusses the Budget Review with the GCC with the 2008 balance discussed.

Revenue: \$87,267.00   Est. at: \$94,000

Total expected salaries: \$101,239.00, dropping the balance fee acct. by \$10,000.00.

Revenues are watched on a monthly basis. There is only one account for the Conservation Commission and it should be four accounts as it is tracked four ways.

Mr. Gulla requested a copy of this information.

### **87 WINGAERSHEEK ROAD** (Map 261, Lot 18)

This is a Notice of Intent submitted by Andrew Matrondola to maintain a deck expansion in dune area.

Mr. Tom Kehoe, Hancock Assoc., rep. the applicant presents the plan to the GCC.

Referring to the plan he notes the deck in the past, being older, as well as the 2 portions and the height. He notes the new area that was constructed.

He notes reconstruction without a permit in a barrier beach area which is not primary or secondary. Notes: BVW. He would like permission from the GCC to keep the deck as is. The only disturbance noted is pilings on footings.

The Agent states that DEP did submit comments, noting that the cement footings are no longer allowed and that they may need to be removed. The building code has changed and does not allow any concrete footings and that this issue before the GCC does not comply with the building code anymore. She notes that an Enforcement filing was filed 2 years ago.

The Agent notes that the first violation notice that went out was in October of 2007. She further noted that a notification was made before that as well.

Jennifer Gallagher, daughter of the applicant, Winchester, MA. is present. She states that the house was built in 1976 with a deck around it, part of it rotted and it was replaced all the

way around with a composite material and \*\*\*\*\* footings. She was not aware it was considered a new structure.

The Agent states that the entire deck is a new structure; if it's more than 50% new it's considered new construction. The whole deck must meet current codes.

Mr. Gulla inquires as to what is old and what is new?

Mr. Kehoe notes a colored in area on the plan being the new deck.

The Agent states that the pilings have to be driven and not concrete.

The Agent states that the original notification to the homeowners went out in October of 2007 with two further notices sent. There was a response when the final violation notice was received by the homeowners.

Mr. Gulla states that he would like to review the regulations further, continue the matter and at the next meeting, try to have some creative solutions to work with.

Mr. Frontiero notes temporary supports, drive in the piles and then put it all back.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion to continue the matter to 06/04/08 at 8:30 PM.

MOTION: Ms. Jackson moves to continue to the above date and time.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

### **15 MT. LOCUST PLACE** (Map 140, Lot 25)

This is a minor amendment submitted by James Davis for landscape grading including pavers and walls.

The Agent states that this is a revised plan that was not submitted in time for tonight's hearing and recommends a continuance.

Mr. Gulla entertains a motion to continue.

MOTION: Mr. Febiger moves to continue the matter to 06/04/08 8:30 PM

SECOND: Ms. Jackson      VOTE: 5-0 all in favor.

### **WASHINGTON STREET AND REYNARD STREET**

**(aka RIVERDALE PLACE)** (Map 108, Lots 16-30)

This is a Request for Determination submitted by Steven Goldin to construct a 14 unit subdivision with road, sewer extension and other utilities.

Mr. Goldin comes before the Commission explaining this area as a river with full tidal flow.

He states that previously there were tidal gates and that this was a salt pond or river.

He states that legal appeals that went out noted no environmental concerns were addressed. He notes the need for a written opinion in re: to the validity of the permits.

He notes the Amero case re: building while court reviews are in process. He notes the environmental consideration re: polluting the ocean and a review of tolling should be done.

The Agent states that an RDA is for the full subdivision and this Nol went to appeal with the state.

Mr. Gulla states that an opinion is something a lawyer should do.

The Agent states that if a legal opinion is wanted a letter should be written to the GCC as this method is not the way to go. The letter would be on the agenda and addressed at that time.

Mr. Goldin states that the City Legal Dept. should write the opinion.

Mr. Michael Faherty, rep. the Building Center addressed the GCC attempting to clarify and fairness with this matter. He notes permits were granted in 2002. He states that Mr. Goldin and his crew appealed it, and the regulations say that if an appeal is taken from an Nol the

applicant is prevented until the appeal is addressed. He notes that on file is the original superseding order from 2002. He notes further dates before a judge re: the appeal being 6/10/2004, and 10/13/2004. He further notes an appeal of the court decision on 01/20/06, and a further date of 03/28/06, when the SJC denied any further appeals from Mr. Goldin. He notes that this is to be finished by 03/28/09. He notes a further date of 08/22/05 re: The Planning Board, with the operative date for the Planning Board being 08/22/08, and 03/28/09, before the GCC.

Mr. Faherty states that this is not a river. He further notes that Mr. Goldin is not allowed on the property and that he has exhausted the staff at the Community Development Office. A memo was noted re: Greg Cademartori.

Mr. Goldin states that the key date is 06/2003 noting that they couldn't build after that date. He reiterates that a written legal opinion is needed.

**PUBLIC COMMENT:**

Ms. Nancy Andrew states she has a concern re: the conditions that were in place and as to whether or not they would be adhered to noting the conditions and concerns re: the retention pond, the number of houses, etc. She notes an old clipping regarding Riverdale Place.

**PUBLIC COMMENT:** closed.

The Agent offered information and review at her office.

Mr. Febiger inquired as to the date of construction with the Agent stating it was about two weeks ago. He asked if the flood gates had changed and Mr. Goldin noted the date of 04/2003.

The Agent states that a valid binding determination was made by DEP. This is already permitted under the valid permit.

Mr. Gulla states that maybe they should continue the matter and address the legal dept. It was noted that the boundaries of the resource area are adequate.

Mr. Gulla inquires as to a motion or RDA.

**MOTION:** Ms. Jackson notes a negative finding of river front delineation referring to 28/14/44 being accurate and if it is not river front then no alternatives analysis is needed.

**SECOND:** Mr. Feener      **VOTE:** 4-0    **ABSTENTION:** 1

**8-10 SANDY WAY** (Map 257, Lots 217 & 218)

This is a Request for Determination submitted by Sandy Way Homeowners Assoc. to construct a seasonal boardwalk over the dune.

The Agent notes that DEP did not issue written comments but they did verbally state that this requires a Nol.

Mr. Athan Vontzalides, Esq., is the attorney for the applicant.

**PUBLIC COMMENT:** none/closed.

Mr. Gulla entertains a motion to continue.

**MOTION:** Mr. Feener moves to continue the matter to 06/18/08 7:30 PM

**SECOND:** Mr. Frontiero      **VOTE:** 5-0 all in favor

**75 ESSEX AVENUE** (Map 217, Lot 23)

This is a Request for Determination submitted by Cape Ann Marina for reconfiguration of existing floats and pilings in an existing marina.

T. Arsenault addresses the GCC noting that David Smith from the Eng. Dept. could not make it this evening. This is a two phase project, with #2 being the additional slips. He notes new docks, the removal of some pilings and the installation of new pilings.

Mr. Gulla notes that the GCC gave the o.k. to the Letter Permit at the last meeting and the river area is being addressed this evening. An additional 912 sq. ft. was noted with the removal of 12 pilings and the installation of 16 pilings to anchor additional fingers. The Agent notes that nothing has been received from Dave on this issue although he did address the Letter Permit.

The applicant locates the 16 slips to be installed on the plan for the GCC.

The Agent inquires as to why there are so many pilings and the applicant notes the plan stating that there is a high wind issue. There is a possibility of a charter boat coming into that area.

The Agent recommends that Jim and Dave give some feedback. She has no opinion at this time but it does exceed a bigger scope. She states that at the site visit they understood that 16 pilings would be coming out with only 3 going in.

Mr. Gulla states that pulling out vs. cutting needs to be reviewed.

The applicant states that she would like to expedite this as boating season is upon us.

The Agent states that if Dave and/or Jim have any issues then the matter should be continued to 06/18/08.

**PUBLIC COMMENT:**

Ms. Angela Procaccini, a member of the Cape Ann Marina states the marina is very well run and organized and asks the GCC to allow the requests by the applicant.

Mr. Gulla entertains a motion to continue.

**MOTION:** Ms. Jackson moves to continue the matter to 06-18-08

**SECOND:** Mr. Frontiero **VOTE:** 5-0 all in favor.

The Agent states that another site visit is needed.

**136 WINGAERSHEEK ROAD** (Map 260, Lot 16)

This is a Request for Determination submitted by James Cennerazzo to maintain a newly constructed septic system and to construct a dwelling with associated utilities.

Mr. Tom Kehoe, Hancock Assoc. rep. the applicant reviews the plan with the GCC.

He notes the Board of Health and their approval of the septic system. A Cease and Desist letter re: the Con. Comm. and the work being done in a barrier beach. He states that we disagree on that point. A USGS map was noted re: a DEP overland Wetlands Map and this not being within ACEC and not within a natural habitat.

The Agent states that it is coastal dune and some barrier beach and some not.

The GCC agrees that an ANRAD needed to be filed. The soils all show sand and sandy loam. Our contention is that it is part of coastal dune structure as a whole.

Mr. Gulla states that it is under construction with a Cease and Desist order.

The issue is coastal dune or not.

The Agent states that it falls under our opinion as coastal dune. The soils clearly note unconsolidated sediment, being coastal dune.

Mr. Kehoe suggests contacting CZM to have a coastal geologist test soils with Mr. Gulla noting Rebecca as someone to contact. The Agent states she is not available.

**PUBLIC COMMENT:** none/closed.

Mr. Febiger inquires as to the extent of human alterations and asks if it is just fill?

Mr. Kehoe notes that no house was there before and this is new construction with a septic system.

The Agent notes a simple solution stating that a test pit could be dug with someone in an official capacity.

Mr. Gulla entertains a motion to continue.

MOTION: Mr. Febiger moves to continue the matter to 06/18/08 7:30 PM

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor

Mr. Gulla entertains a motion for a 5 minute recess.

MOTION: Mr. Feener

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

Meeting Resumes.

**70 HOLLY STREET** (Map 123, Lot 70)

This is a mitigation plan amendment for tree cutting by the Wenniger's relating to a request for an amendment to an existing Order of Conditions.

There is a request for a continuance to 06/04/08 9:00 PM.

Mr. Gulla entertains a motion to continue.

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger

Mr. Feener states that this matter has been continuing for awhile now and asks if it will go forward at that time. Mr. Gulla states: Yes.

VOTE: 5-0 all in favor.

**1 ORCHARD ROAD** (Map 83, Lot 11)

This is a Request for Determination submitted by Barbara Tarr to connect to a sewer line.

No one available.

Ms. Nancy Ryder, Agent for the GCC states that this is a simple matter and has no objections if the GCC would like to go forward on this as it is a simple sewer connection.

Mr. John Judd, Gateway Consulting states that he can assist and notes a PDF that was sent with on site wetland and the sewer connection with more detail added with regards to the connection being moved to the front of the house which replaces the failed septic system.

They are looking for a negative determination. He believes the existing system has failed.

The Agent notes that she has no problems with this matter.

PUBLIC COMMENT: none/closed.

The GCC reviews the plan. Mr. Judd states its approx. 100 ft. of connection.

Mr. Gulla inquired as to any erosion controls with Mr. Judd noting a silt sock.

Mr. Gulla entertains a motion for negative determination. neg. 2A, neg. 5, pos. 3.

MOTION: Mr. Febiger moves for a neg. det.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

**218 ATLANTIC STREET** (Map 256, Lot 56)

This is a Notice of Intent submitted by Jose Tavares to maintain landscaping, a stone wall and parking area construction in secondary dune.

Mr. John Judd, Gateway Consulting rep. the applicant addresses the GCC with a plan noting the resource areas, intermittent stream and secondary coastal dune.

Photos that were e-mailed were reviewed by the GCC.

The stonewall at the front of the property is recent work that was done.

He notes crushed stone in the cleared up area.

He notes photos that were taken prior to the current owner taking ownership of the property.

He was under the impression that this was not in a buffer zone. There are no plans for any further work.

The Agent states the issue as being that this is coastal dune and the Performance Standards are not being met. It is secondary dune buffered with an intermittent stream. Photos were reviewed by the GCC.

Mr. Gulla states that the question is: If you had come before the GCC beforehand what would we have done?

The retaining wall was discussed. Mr. Gulla states that they agree the wall was not there in 2003.

The Agent states that the landowner inherited the violations when he bought the property.

Mr. Judd states that the landowner is willing to work with the GCC.

He further notes that the wall is decorative and loose stacked.

Mr. Gulla states that the fact remains: How would we (the GCC) have responded if you came before us before the work was done.

Mr. Judd states that the construction and landscaping that was done have made improvements that were consistent with what was already there.

The Agent states that the whole yard is pavers with Mr. Judd stating that the pavers were there when the landowner bought the property.

The Agent states that it is coastal dune and you cannot use pavers.

Mr. Gulla inquired as to the landowner giving back.

Mr. Judd states that this may be an opportunity to plant American dune grass. It is a beach house and near to the beach. He noted possible off site mitigation.

Ms. Jackson states that they should look to the property itself first before considering off site mitigation.

Mr. Febiger notes that if the landowner had come in before the construction re: the wall, that the GCC would probably not have approved it.

Mr. Gulla states that maybe they can give back a little, possibly reducing the patio and suggests Mr. Judd speak to the applicant regarding that suggestion. They need to look at the Performance Standards, which at this point cannot be met and come up with something else.

Mr. Judd states that there is no patio area, just crushed stone and the wall.

Mr. Febiger noted the possibility of removing the wall as it doesn't seem all that important to have it.

Mr. Gulla states that this matter will require some rigorous thinking including mitigation, moving part of the wall and or altering the driveway.

He would like to continue the matter so it can be further looked at and possibly a solution to the issues at hand.

Mr. Judd asks if the concerns are the wall and the gravel and Ms. Ryder states the concerns are anything that wasn't there before including the wall and the gravel.

Mr. Gulla entertains a motion to continue the matter to 06/04/08 9:00 PM.

PUBLIC COMMENT:

Mr. Paster 29 Waterman Rd. addresses the GCC and states that he feels they are coming down on the landowner and feels that major improvements have been made on the property. He inquires as to why the landowner has to suffer for what he has done, that this is not a dune and a parking lot is in between with truckloads of gravel being brought in.

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Feener      VOTE: 5-0 all in favor.

**161 THATCHER ROAD** (Map 178, Lot (not listed))

This is a Notice of Intent submitted by Charles Pratt Jr. to construct a single family home with associated grading and utilities in a buffer zone to a marsh.

The Agent notes that there has been a last minute request for continuation on this matter. The applicant wanted a site visit for Friday but did not realize that a delineation plan was needed.

**MOTION:** Mr. Feener moves to continue the matter to 06/18/08 9:30 PM

**SECOND:** Mr. Frontiero      **VOTE:** 5-0 all in favor.

**2 BEACHLAND ROAD** (Map 178, Lot 51)

Notice of Intent submitted by Charles Pratt Jr., to remove fill in wetland and to restore wetland buffer zone.

A request for continuation was noted.

**MOTION:** Mr. Feener moves to continue the matter to 06/18/08 9:30 PM

**SECOND:** Mr. Frontiero      **VOTE:** 5-0 all in favor.

Mr. Feener states that the above applicant in the above two matters should be penalized re: the continuations.

**1 WINGAERSHEEK ROAD** (Map 257, Lots 7 & 8)

This is a Notice of Intent submitted by Todd Dagues to construct a single family house with assoc. utilities and septic system in buffer zone to coastal dune.

Mr. William Manuell, rep. the applicant reviews the plan with the GCC. He discusses the new house, the revised plan that was submitted, and the garage as well as the orientation, as you now enter the garage from the street. There is one section of a retaining wall in the wetland area to minimize the amount of wetland to be altered. This can be removed if the GCC considers it dune. There is a revised construction sequence to incorporate an arborist, prior to construction. The arborist will inspect the site and trees near to the construction site giving advice re: how to avoid any unintended impact. Needle blight and boring beetles are attracted to fresh wood and this could spread around the site.

The arborist will review these conditions on the site and can be incorporated in the OoC to keep the site clean. An air spade will be used to preserve the tree roots. He notes a website and photos that will show how the air spade is used. Another revision that was discussed is the quantifying of the home and driveway in relation to impervious. He notes 2 to 1 mitigation. He notes that they have not found a suitable site for off site mitigation but notes Braces Cove or Good Harbor Beach. He notes 13,000 sq. ft. that could be conditioned in re: mitigation, before the occupancy permit is allowed and if not the applicant can put up a bond re: his commitment to institute the conditions.

The Agent states that it seems all the questions the GCC had were answered. She notes that in re: mitigation, Wingaersheek and Good Harbor beaches in immediate need of fencing and signage postings.

The meadow is a habitat of its own and she suggests off site mitigation as noted above.

Mr. Febiger inquires as to the slopes on either side of the driveway being sandy and Mr. Manuell states that it is sandy and will migrate. He would like to stabilize the slope with beach grass.

Mr. Feener notes the narrative and a concern stating that if the air spade is to be used and roots are to be exposed, the roots need to either be covered or kept moist.



Mr. Febiger notes that we do not want the retaining wall to be seen as decorative and set a precedent.

Mr. Gulla states that it can be noted as an earthen retaining wall, unfinished. It really is the relocation of large stones on the site. He inquires as to DEP and Ms. Ryder states that an updated plan needs to be sent to them.

Mr. Manuell states that the plan has been sent to DEP.

Mr. Gulla points out the AC condenser platform.

PUBLIC COMMENT: none/closed.

The Agent states that a level of detail and a commitment re: mitigation for 13,000 sq. ft.

Mr. Gulla states that a condition of some type of concept re: mitigation.

Mr. Manuell states that if that is not done now but prior to occupation, we will have monies put up in good faith.

Mr. Gulla states that the GCC needs numbers re: how much money is involved re: the mitigation for the 13,000 sq. ft.

Ms. Jackson states that it would be a cost basis for off site mitigation.

The purchasing of shoots was discussed with labor at a cost of approx. \$6000.00.

Mr. Manuell states that working with Mark and Mike re: the off site mitigation is an intriguing idea.

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

Mr. Gulla states he feels this to be a great project with Mr. Feener stating the narrative was a pleasure to read.

The Agent states that she was not sold on it in the beginning but is now.

## **7 AILEEN TERRACE** (Map 134, Lot 4)

This is a Request for Determination submitted by James Alvarez to restore existing concrete pilings with new concrete wrap.

The Agent notes that the submission was made just yesterday and will be in the packet for the GCC in the next mailing.

Mr. Steve Pardee, present for the applicant states that the GCC had concerns regarding this project being done from land only. In the submission it describes that it will be from land only.

Mr. Gulla entertains a motion to continue to the next meeting, 06/04/08 7:05 PM.

PUBLIC COMMENT: none/closed.

The Agent states that notification to the applicant and representative that they do not have to be present on the continuation date.

MOTION: Ms. Jackson

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

## **5 Minute recesses**

## **Meeting resumes**

**71, 73, 79 CONCORD STREET** (Map 234, Lots 38, 39 & 42)

This is a NOI submitted by DeMoulas Retail Management and Development Inc. to construct a commercial building with associated site work, utilities, parking and replication area.

Mr. James McKenna rep., the applicant, (R & D), along with Mr. Mike Seekamp. The GCC was informed that Mr. Jeff Wilson is on his way.

Mr. McKenna reviews the conditions with the GCC. He states that his goal this evening is to close the matter. He notes 80 conditions with the GCC following along from hard copies. (

\*\* for the final draft of the minutes the 80 conditions can be inserted if requested \*\*).

Mr. Mickey Marcus states that no new information has been submitted to date. He states that the GCC needs to decide to close the hearing or not. He provided additional details with a handout of a draft. He feels some tweaking of the conditions is needed and there are some small modifications. He reiterates that the GCC needs to decide to close the hearing or not.

Mr. Gulla states that the GCC does have some concerns re: the closure of the hearing.

Ms. Jackson states that she does not have a problem with that but feels the matter should first be open to the public.

**PUBLIC COMMENT:**

Ms. Donna Chamberlain 124 Concord Street states she has a problem with the matter be closed before the conditions are reviewed by the GCC.

Kathy G. 3 Becker Circle inquires as to any consideration being taken regarding the wildlife in the area as well as any wetland habitat. She notes a migration of salamanders in the area. She wants to know if anyone has looked into these issues. She states that Connecticut has declared the salamander extinct and with this project the habitat for the salamanders could be completely run over. The migration is in the spring during the first warm, wet rain and sometimes in the fall.

Mr. Marcus notes the discussion of vernal pools at a previous meeting.

He notes condition #59 which is intended to address the construction sequence and erosion controls re: not blocking the vernal pool. The proposed areas for construction are not vernal pool areas, but it is adjacent to it. Salamanders look for wet, dark areas not dry areas where the drive in was located. Several areas of potentially vernal pools are 100's of ft. away.

Mr. Seekamp notes on the plan a potential vernal pool area stating no eggs were found. That particular area has been monitored this year as well as last year. The salamanders have migrated and the eggs have been laid as they only use the pools to breed. There is no evidence found on the site re: salamanders and migration.

Ms. Chamberlain states that fill has already been placed in the area. Eighteen to twenty pools have already been filled. She feels the area has already been disrupted.

Mr. Joe Pasquale notes that he has done nothing on the property.

The Agent states that this was an existing disturbance.

Mr. Gulla states that if anyone has photos showing puddles or pools it would be helpful.

Peter \*\*\*\*\* for Kathy Hebert states that his client is not present but wanted to be as she has photographic evidence and would like the GCC to keep the matter open and not close it.

**PUBLIC COMMENT:** Closed

The Agent states that the GCC doesn't allow public comment period during the review of the conditions and is not for public discussion.

A discussion was had with the Agent and the GCC in regards to closing the hearing. Mr. Marcus states that the GCC needs to come to a consensus that they feel they have enough information to do so. He feels they have enough info. to close the hearing and reminds them that the conditions are a draft and the GCC will have time to review and discuss the matter within the 20 day cycle to adjust and respond accordingly. Mr. McKenna states that there are no hidden time bombs, no new information and no disagreement amongst the consultants. There may be some tweaking but he feels nothing is hidden from his perspective. Mr. Gulla asks if anyone wants to move re: the conditions of the project. The Agent states that you should close, vote then discuss the conditions. Mr. Gulla entertains a motion to close the hearing.  
MOTION: Ms. Jackson moves to close the hearing.  
SECOND: Mr. Frontiero      OPPOSED: Mr. Febiger  
VOTE: 4-1

The Agent states that the next step is to vote.

Mr. Gulla entertains a motion to \*\*\*\*.  
MOTION: Ms. Jackson  
SECOND: Mr. Feener      VOTE: 5-0 all in favor

#### Discussion of Conditions:

Mr. Marcus notes 2 paragraphs on pg. 3 as a summary describing the project. Mr. Gulla reads the paragraphs aloud. The summary of the wetland impact was read aloud. Mr. Marcus notes the pre construction conditions noting page 8 as a fairly extensive erosion control section. As listed in #48 an erosion control person is responsible from day to day in addition to a secondary erosion control monitor for weekly inspections to make sure it is all within compliance, as well as every time it rains ½ inch or more an inspection is done. He notes DEP and EPA requests to be done using electronics. 100 ntu's is the standard as you have to have some type of standard to make sure what is going on , on the site is in compliance. Mr. Gulla inquires as to this being a standard measurement with Mr. Marcus stating, yes as a sample to be taken and metered as a measuring gage. This is a quick, easy method to check if the standards are being met. Re: controlling sediment and stabilization: the soils and the water quality are clean. Site contractors will have one person responsible on a daily basis. The Agent requests the GCC read the conditions within a week and e-mail or call her with any comments. Mr. Wayne Chouinard, B and T, states that he has a couple of comments on the conditions that were submitted. Mr. Marcus notes at least 50 conditions re: controlling the site. No's 68 and 71 are re: maintenance. He further notes # 82 re: Prevention. He states that this is not the final plan and the GCC should meet to see the final plan making sure it addresses everything that DEP requires. He notes #83 as he would like to see that they have an expert on site when building this re: the stream and wetland area. He would like to see this done during the construction of the

arched culvert making sure the design is followed through. The invasive species plan needs to be reviewed as well.

A \$10,000.00 bond is proposed. There is an estimate of \$150,000.00 for the majority of earth and plant work for the stream channel. The bond gets drawn down and reduced as the work is done. He states that this is a decent draft but it does need to be refined.

Mr. Gulla asks how quickly he can respond and Mr. Marcus stated he can do that in a day or two.

Mr. Gulla suggests Mr. Marcus indicate any changes and/or comments in a different color.

Ms. Jackson suggests he use red to mark any changes or comments.

A discussion was had re: the bond issue and how to handle the educational bond.

Ms. Ryder states that in the past the GCC has allowed the applicant to pick the specific use of the bond. Mr. McKenna states he is fine with the \$150,000.00 bond issue.

Mr. Seekamp states he concurs with Mr. Marcus.

Mr. Seekamp notes #22 re: adding or accepting as permitted under the order.

Mr. Feener states that soil samples should be taken prior to any soil amendments.

Mr. Seekamp notes ro-de-o to be distributed by a specialist.

Mr. Febiger notes #94 re: herbicides.

Mr. Seekamp states that they have a fall back plan regarding the herbicides as they hope not to use any at all but may have to. He states that they probably won't be able to fully get rid of the purple loose strife.

Mr. Febiger states that he would like to review the herbicides before the work is done.

Mr. Marcus noted #94, the invasive species plan and states that the plan is decent but is not specific enough re: each species individually. He notes #86 and states it is: not maintained but controlled.

Mr. Gulla inquires as to mortality being noted in the conditions and Mr. Secamp states that it is noted in the mitigation area. He notes: 75% cover eventually and 100% closed canopy.

Mr. Marcus notes a 2 to 1 mitigation being listed and notes this as possibly the most important area.

Mr. Seekamp notes 2 to 1 mitigation where the bridge crosses the intermittent stream.

Mr. Marcus notes that there is no standard and that they have specified 75%.

Mr. Feener notes the use of Red Maples and suggests staggering them and further notes 3 year monitoring re: mortality.

Mr. Seekamp notes a 10 year plan.

Mr. Chouinard suggests not dropping the bond too early.

The operation maintenance plan is a very important document. He states that initially they dealt with 69 elements and now it is up into the 90's.

Mr. Gulla states that his input is needed by Tuesday of next week.

The operational management plan should be recorded at the Registry of Deeds office.

The construction over site by the designers is important re: updates and milestones.

Regarding milestones he notes excavation and monitoring.

Mr. Febiger notes a condition relating to the embankment slope down into the wetland he feels that curb integrity of the roadway should be monitored and listed as a condition.

He further notes the condition re: no seal coat application to be used as part of any installation or maintenance of parking lot and/or roadways.

The Agent notes the cumulative sewer line review.

Mr. Febiger notes #22, the first sentence, in or within 100 ft. buffer zone of any wetland as asks that they refer to some kind of documentation governing that.

The Agent states that this is a single line sewer for DeMoulas. The concern is the by right of everybody else re: the sewer line. It needs to be conditioned correctly now, not to be opened up to the entire City of Gloucester re: the cumulative impact. This should first be reviewed prior to installation and should be referenced in the order.

The Agent states she is talking with the City re: the sewer line.

Mr. McKenna states for the record that it puts him in an awkward position re: the conditions which are complete and separate and trying to tie everything together is problematic. He states that they can come back with a separate order re: the sewer. He doesn't feel these issues should be anchored together to these conditions.

The Agent states that without a sewer line there is no project.

Mr. Gulla states that we don't want to lose the opportunity to have this come back to the GCC. We need to come up with a statement of fact and maybe there is some middle ground.

Mr. McKenna states that they just want to avoid not being in compliance with our own order.

Mr. Gulla states that something can be created and discussed at the next meeting.

Regarding snow removal it was asked if the GCC would get a snow designation plan re: sand. Snow removal and stacking and storage were discussed.

Mr. Marcus inquired as to a sand and/or salt policy.

The Agent states less is better.

Mr. Gulla entertains a motion to continue the matter for further discussion to 06/04/08 at 9:00 PM.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Feener                      VOTE: 5-0 all in favor.

#### **Enforcement Hearing: 46 LEVERETT STREET Map 162, Lot 13)**

The Commission requests the attendance of Christine Peterson to discuss violations that have occurred on site in resource area in violation of an issued OoC and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the Commission may require of the property owner, including issuance of administrative penalties.

The Agent notes that a continuance is needed in this case as the applicant needs to have an interpreter present as the applicant's representative is deaf and needs assistance to discuss the matter. (The Legal Dept. will have to ok this.)

#### **Commission Business**

#### **Letter Permit Requests, Extension Permits, Correspondence and other Commission business.**

Eastern Point – result: approved.

109 Wheeler Street – result: approved.

Removal of one chestnut and two to be planted.

33 2 Penny Lane - this is to leave out the garage

Mr. Febiger has recused himself.

MOTION: Mr. Feener moves to approve

SECOND: \*\*\*\*\* VOTE: 4-0

Seacoast Nursing Home – result: approved

27 Riverside Road – result: \*\*\*\*\*

6 Island Rock Rd. –

This is in re: an outside shower installation and use. The Agent notes that if it rains the water from the shower goes into the City sewer system.

Mr. Gulla doesn't think the City would approve something like that unless they get City Engineering approval and feels it is not the GCC's issue. result: \*\*\*\*\*

89 Eastern Point Boulevard – result: approved.

Photos viewed by the GCC. This is in re: shifting the location, Title 5, tank closer to the house.

80 High Street – The Agent reviews with the GCC stating that they have to cut 20 trees and want to transplant 40 trees with no place on site to do so.

Ms. Jackson states that the donation should be trees and not cash.

Mr. Gulla states that a location and tree list plans are needed and feels that work cannot start until this is resolved.

199 ½ East Main Street – result: approved.

This is in regards to re-roofing an existing roof.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

140 Wheeler Street

The Agent states that an attorney has been acquired and would like to continue the matter. Fines have been levied and they are up to a huge amount.

Gloucester Crossing Conservation Bond

Sam Park Project

A request was made to up the bond from \$35,000.00 to \$50,000.00.

Mr. Gulla entertains a motion to up the bond to the above figure.

MOTION: Ms. Jackson moves to approve

SECOND: Mr. Febiger (he notes this being 1/3 of another project).

VOTE: 5-0 all in favor

1236 Washington Street

The Agent states that this was an excellent repair.

Bass Rocks Golf Course – Links Road

The Agent states that the pipe was replaced.

Hesperus Avenue

The Agent states that the catch basin pipe is to be repaired. There was a stone wall collapse. She states that Mr. George Fletcher took liberties in that he built a little paved area in the stream, (lining the bottom of the channel).

Mitigation and education need to be done

## **Requests for Certificates of Compliance**

8 Castlerview Drive – After review by the Agent and discussion with the GCC

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener moves to approve

SECOND: Ms. Jackson

VOTE: 5-0 all in favor.

508/510 Washington Street - After review by the Agent and discussion with the GCC

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener moves to approve

SECOND: Ms. Jackson      VOTE: 5-0 all in favor.

84 Magnolia Avenue - After review by the Agent and discussion with the GCC

Mr. Gulla entertains a motion for denial.

MOTION: Mr. Feener moves to deny

SECOND: Ms. Jackson

VOTE: 5-0 all in favor.

24 River Road - After review by the Agent and discussion with the GCC

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener moves to approve

SECOND: Ms. Jackson

VOTE: 5-0 all in favor.

359 Concord Street - After review by the Agent and discussion with the GCC

Mr. Gulla entertains a motion for denial.

MOTION: Mr. Feener moves to deny

SECOND: Ms. Jackson

VOTE: 5-0 all in favor.

The Agent along with the GCC review the Minutes of the Meeting from 05/07/08.

The appropriate corrections will be made by the recording clerk and submitted as a final draft. Mr. Gulla states he will entertain the approval of the minutes as amended.

MOTION: Mr. Febiger moves to approve.

SECOND: Ms. Jackson      VOTE: 5-0 all in favor.

Mr. Gulla entertains a motion to adjourn the meeting of the GCC.

MOTION: Mr. Feener

SECOND: Mr. Febiger      VOTE: 5-0 all in favor.

Meeting adjourned.

Respectfully submitted,

Carol A. Gray  
Recording Clerk